

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

)  
 CARPENTERS COMBINED FUNDS, INC., )  
 by JAMES R. KLEIN, Administrator, )  
 )  
 Plaintiff, ) Civil Action No. 2:23-1693  
 )  
 ) Judge Cathy Bissoon  
 )  
 v. )  
 )  
 ADVANCED BUILDERS, INC., )  
 )  
 Defendant. )

**MEMORANDUM ORDER OF COURT**

AND NOW, to wit, this 14th day of February, 2025, upon consideration of Plaintiff's Motion for Default Judgment and Affidavit attached thereto (Doc. 32), it is hereby ORDERED, ADJUDGED, and DECREED that said Motion be, and hereby is GRANTED.

Plaintiff has asserted claims under ERISA and the LMRA as set forth in the Complaint (Doc. 1), and, thus, the Court has subject matter jurisdiction under 28 U.S.C. § 1331. Proper service of the Complaint and Summons on Defendant was effectuated on October 2, 2023 (Doc. 5). Nevertheless, Defendant has failed to enter an appearance, respond to the Complaint or otherwise participate in this case officially in any fashion.<sup>1</sup> At Plaintiff's

<sup>1</sup> Plaintiff has represented that, for a period of time after the commencement of this action, Defendant made some payments, and that Plaintiff and Defendant attempted to negotiate a Consent Judgment regarding collection of the remaining amounts due. According to Plaintiff, however, Defendant ceased compliance with any agreements and has failed to make any additional payments owed. *See* Pl. Br. Supp. Default Judgment (Doc. 33) at 3; *see also* Status Report dated September 26, 2024 (Doc. 29) (detailing the negotiation attempts).

request, the Clerk of Court entered default on September 27, 2024 (Docs. 30, 31). After careful consideration, the Court finds that the factors favoring default judgment have been met, including: (1) that Plaintiff will continue to suffer prejudice absent a default judgment because, *inter alia*, any delinquent contributions from Advanced Builders, Inc., may negatively impact the ability to pay beneficiaries of the Fund; (2) that Defendant has failed to assert any meritorious defenses to Plaintiffs' claims through the filing of an answer or other responsive pleading to the Complaint; and (3) that Defendant's failure to participate in this case reflects willful conduct. *See Chamberlain v. Giampapa*, 210 F.3d 154, 164 (3d Cir.2000) (listing factors); Fed. R. Civ. P. 55(b).

Accordingly, upon consideration of Plaintiff's Motion for Entry of Default Judgment and the Affidavit attached thereto, it is hereby ORDERED, ADJUDGED, and DECREED that said Motion be, and hereby is GRANTED. Judgment is entered in favor of the Plaintiff, Carpenters Combined Funds, Inc., and against the Defendant, Advanced Builders, Inc., in the amount of \$204,159.02. A separate Order of Default Judgment incorporating the terms of this Memorandum Order will be entered by the Court in accordance with Rule 58 of the Federal Rules of Civil Procedure.

Date: February 14, 2025

s/Cathy Bissoon

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Hon. Cathy Bissoon  
United States District Judge

cc: All counsel of record (via ECF)